

### **REMARKS**

The present Amendment amends claims 21-23 and 26-30 and leaves claims 24, 25 and 31 unchanged. Therefore, the present application has pending claims 21-31.

Applicants acknowledge the Examiner's consideration of the information as disclosed by the December 7, 2002 Information Disclosure Statement. However, Applicants note that the Examiner has not considered the information as disclosed by the November 7, 2001 and September 26, 2005 Information Disclosure Statements. Copies of said Information Disclosure Statements are attached herewith. An indication that said Information Disclosure Statements have been considered is respectfully requested.

Claims 21-31 stand rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-14 of the prior patent No. 6,404,781 and claims 21, 22 and 24-31 stand provisionally rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 7-9, 16-18 and 21-31 of the copending application Serial No. 09/986,090. Applicants do not agree with these rejections. However, in order to expedite prosecution of the present application filed on even date herewith are Terminal Disclaimers so as to obviate these rejections. Therefore, reconsideration and withdrawal of these rejections is respectfully requested.

It should be noted that the filing of the above noted Terminal Disclaimers was not intended nor should it be considered as an agreement on Applicants part that the features of the present invention as recited in claims 21-31 are taught or suggested

by the claims of the prior patent and the copending application. The filing of the Terminal Disclaimers was simply intended to expedite prosecution of the present application.

Claims 21-31 stand rejected under 35 USC §102(b) as being unpatentable over Yoshinaka (U.S. Patent No. 5,384,787). This rejection is traversed for the following reasons. Applicants submit that the features of the present invention as now more clearly recited in claims 21-31 are not taught or suggested by Yoshinaka whether taken individually or in combination with any of the other references of record. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

Amendments were made to the claims in order to more clearly describe features of the present invention not taught or suggested by any of the references of record particularly Yoshinaka. Particularly, amendments were made to the claims to more clearly recite that the present invention is directed to a data transmission, method and apparatus for transmitting information data containing additional information data. The operation of the present invention is conducted at the transmitter side and includes preparing a data frame of the information data into which the additional information data is to be embedded, embedding the additional information data plural times into the data frame repetitively and separately as illustrated, for example, in Fig. 4 of the present application and transmitting the information data embedded with the repetitive and separate additional information data.

The above described features of the present invention now more clearly recited in the claims are not taught or suggested by any of the references of record, particularly Yoshinaka, whether taken individually or in combination with each other.

In the Office Action the Examiner alleges that Yoshinaka discloses a system described as a picture data recording and reproducing apparatus including, for example, as illustrated in Fig. 1 thereof, a coding processing unit 3 which is supplied with picture data digitized by an A/D converter 2 and a recording data processing unit 4 supplied with coded output by the coding processing unit 3 to deliver recording data obtained by the recording data processing unit 4 to a magnetic head 5 so as to record it onto a magnetic tape 6. Yoshinaka teaches that the recording data processing unit 4 includes an ID adding circuit 41 which is supplied with picture data coded by the coding processing unit 3 and an identification code (ID) indicating its quantization step width being included in the ID signal added to the picture data. Attention is directed to col. 6, lines 28-51 of Yoshinaka.

Although, as indicated above, there is a teaching in Yoshinaka that an ID adding circuit 31 adds an ID signal to the picture data, this ID signal as taught by Yoshinaka is merely concerned with indicating the quantization step width. There is no teaching or suggestion at any point in Yoshinaka that the ID signal being added by the ID adding circuit 41 is identification information which is embedded or concealed in information data so as to be used for identifying, for example, the validity of the data or to supply hidden control information to a receiver. Such is clearly is not taught or suggested by Yoshinaka.

More particularly, there is no teaching or suggestion in Yoshinaka as to how and at what point the ID signal is added to the picture data in order for Yoshinaka to at least be related to the features of the present invention as now more clearly recited in the claims.

According to the present invention as now more clearly recited in the claims the additional information is not added but is embedded repetitively and separately within the pixel blocks of picture data such as, for example, illustrated in Fig. 4 of the present application. As per Fig. 4 it is clear that the additional information is embedded within the pixel blocks of the picture data and such additional information is dispersed separately within the picture data.

The above described features of the present invention allow for the additional information to be protected from deterioration through transmission. In order to understand these features of the present invention attention is directed to a description of the problem to which the present invention is intended to solve on page 2, lines 6-19 of the present application. The apparatus taught by Yoshinaka is not intended to solve the problem to which the present claimed invention is directed.

Thus, Yoshinaka fails to teach or suggest preparing a data frame of the information data into which the additional information data is to be embedded and embedding the additional information data plural times into the data frame repetitively and separately as recited in the claims.

Further, Yoshinaka fails to teach or suggest transmitting the information data embedded within the repetitive and separate additional information data as recited in the claims.

Therefore, Yoshinaka fails to teach or suggest the features of the present invention as now more clearly recited in the claims. Accordingly, reconsideration and withdrawal of the 35 USC §102(b) rejection of claims 21-31 is respectfully requested.

The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the reference utilized in the rejection of claims 21-31.

In view of the foregoing amendments and remarks, applicants submit that claims 21-31 are in condition for allowance. Accordingly, early allowance of claims 21-31 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (520.36525CX2).

Respectfully submitted,

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